

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Randolph L. Chambers

v.

Civil No. 04-cv-397-JD

Warden, New Hampshire
State Prison

O R D E R

Randolph L. Chambers, proceeding pro se and in forma pauperis, brought suit against the Warden by filing a motion for an injunction and damages. Chambers alleged that the Closed Custody Unit ("CCU") at the New Hampshire State Prison, where he is housed, does not have an adequate law library which constitutes a denial of his constitutional right to access the courts. Following a hearing before the magistrate judge on Chambers's request for a preliminary injunction, the magistrate recommended that the request be denied due to Chambers's failure to show a likelihood of success on the merits of his claim. Chambers filed his affidavit, in which he stated that the CCU library did not have the same computer legal research system as the general population library. Chambers did not file an objection to the magistrate's report and recommendation, which was approved by the court on June 8, 2005.

The Warden now moves to dismiss Chambers's suit based on the findings in the magistrate's report and recommendation. Chambers

has not responded to the Warden's motion.

In his report and recommendation, the magistrate found that Chambers failed to show that he had suffered an actual injury because of any insufficiency in the CCU library or lack of access to that library or the general population library. See Lewis v. Casey, 518 U.S. 343, 349 (1996). That finding was approved by the court without objection from Chambers. Chambers has not responded to the Warden's present motion. Therefore, based upon the record in this case, Chambers' claim that his right to access the court has been violated and his request for injunctive relief is without merit and must be dismissed.

Conclusion

For the foregoing reasons, the defendant's motion to dismiss (document no. 19) is granted. The complaint is dismissed. The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED.

Joseph A. DiClerico, Jr.
United States District Judge

July 27, 2005

cc: Randolph L. Chambers, pro se
Laura E.B. Lombardi, Esquire